

REMARKS

This application pertains to a novel process for preparing specific oxidants which in mixtures with precursors for preparing conductive polymers display a long processing time.

Claims 1-35 and 38-75 are pending, although claims 15-35 and 38-75 have been withdrawn from consideration as drawn to non-elected subject matter. The claims under examination are therefore claims 1-14. Applicants respectfully request that upon the allowance of claims drawn to elected subject matter, the non-elected & withdrawn claims be rejoined.

Claims 1-14 stand rejected under 35 U.S.C. 102(a) as anticipated by Kirchmeyer et al (US 2002/0077450).

Applicants' previously explained that their claims pertain to a process for preparing an oxidant for the preparation of conductive polymers, in which the oxidant is treated with an ion exchanger. Applicants' also pointed out that their claims require that the oxidant being used for the preparation of conductive polymers be treated with an ion exchanger **before** the oxidant is mixed with precursors for the preparation of conductive polymers.

In response, the Examiner contends that Applicants' process claim did not require a step of treating an oxidant with an ion exchanger before being mixed with the precursors.

Any person skilled in the art reading Applicants' claims would clearly understand the language of claim 1 to mean that the oxidant was to be treated with an ion exchanger before the oxidant was contacted with the precursors to form the conductive polymers. The original claim language recited "process for preparing an oxidant for the preparation of conductive polymers wherein a metal salt...is treated with an ion exchanger". This language clearly would be understood to mean that the oxidant was prepared for the stated use by treating it with the ion exchanger. If something is prepared for a particular use, such preparation would clearly take place before such use; otherwise the word "prepared" or "preparation" would have no meaning. It is within the common understanding of mankind that one prepares ones self for an event before the occurrence of the event. That is what "prepare" means...i.e., getting ready ahead of time.

Nevertheless, in a determined effort to advance the prosecution of this case, Applicants have now amended claim 1 to specifically recite that the metal salt is treated with an ion exchanger "to prepare said metal salt...before said metal salt is brought into contact with the precursors.

This amendment does not introduce any new matter, as it is clear from the specification that the metal salt is treated with the ion exchanger before the metal salt is mixed with the precursors. See, for example, Examples 1 and 2 on page 23 of the specification, where the oxidant is prepared by treating it with the ion exchanger, and then it is separated from the ion exchanger before being brought into contact with the precursors to form the polymer.

The use of oxidants prepared in accordance with the inventive process has specific advantages, as demonstrated by the Examples and discussed further below.

Kirchmeyer et al (US 2002/0077450 A1) describe a process for the preparation of polythiophenes that are readily soluble or dispersible in anhydrous or low-water content solvents wherein phase-transfer catalysts are added during the reaction. In order to purify the finished polythiophene solution a possible work-up step is the removal of salts with the aid of ion-exchange resins (paragraphs [0041] and [0048]). That is, Kirchmeyer et al disclose the use of an ion-exchanger for the purification of a finished polythiophene solution; Kirchmeyer et al do not teach or suggest anything about an oxidant used for the preparation of a polythiophene solution being treated with an ion exchanger before this oxidant is mixed with precursors for the preparation of conductive polymers, i.e., polythiophenes.

Applicants' claims require that the oxidant being used for the preparation of conductive polymers be treated with an ion exchanger before being mixed with precursors for the preparation of conductive polymers. Kirchmeyer, by contrast, discloses only the use of ion exchanger for the purification of finished polymer solution and not for the treatment of the oxidant before the oxidant is mixed with the precursors for the preparation of conductive polymers.

There is absolutely nothing anywhere in the Kirchmeyer reference that would lead those skilled in the art to treat their oxidants with an ion exchanger before contacting the oxidant with precursors for the preparation of conductive polymers.

Kirchmeyer therefore cannot reasonably be viewed as teaching or suggesting

Applicants' novel process, and the rejection of claims 1-14 under 35 U.S.C. 102(a) as anticipated by Kirchmeyer et al (US 2002/0077450) should now be withdrawn.

Claims 1-9, 11, 12 and 14 stand rejected under 35 U.S.C. 102(e) as anticipated by Hsu (US 7,112,368).

Applicants previously pointed out, with respect to this rejection, that their claims require that the oxidant being used for the preparation of conductive polymers be treated with an ion exchanger **before** being mixed with precursors for the preparation of conductive polymers. Hsu, like Kirchmeyer, by contrast, disclose only the use of ion exchanger for the purification of finished polymer dispersion and not for the treatment of the oxidant before the oxidant is mixed with the precursors for the preparation of conductive polymers.

The Hsu process is therefore completely different than Applicants', and nothing to be found in the Hsu reference could possibly teach or suggest Applicants' novel process. The rejection of claims 1-9, 11, 12 and 14 under 35 U.S.C. 102(e) as anticipated by Hsu (US 7,112,368) should therefore now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-35 and 38-75 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule 116 be entered for the purpose of placing the prosecution record in better condition for appeal.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS, McLAUGHLIN & MARCUS, P.A.

**Date: March 13, 2009**

By William C. Gerstenzang/  
William C. Gerstenzang  
Reg. No. 27,552

WCG/tmo

875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022  
(212) 808-0700  
Fax: (212) 808-0844